



#### IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 1: 13CV540 GBY 10D

(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

#### I. PARTIES

#### Plaintiff: A.

(a) DAVID GRAHAM GOODMAN PRO SE (b) 11-3987
(Inmate number) 1. CHES, CORR. CtR.

(c) 400 ALDEMARIE DRIVE (Address)

Chesapeake, VA. 23322-5504

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

#### B. Defendant(s):

(a) KENNETH W. STOLLE (b) SHEREFF/HIGH CONSTABLE (Name) (Title/Job Description)

(c) 2501 JAMES MACISON BIVD, (Address)
Virginia BEACH, VA 23456



= 3	2.	(a) JOHN DOE (Name)	(b) SERGEANT/SHERIFFS (Title/Job Description)	DEputy		
		(c) 2501 JAMES MADISON BIVD (Address)	),			
		VIRGINIA BEACH, VA. 23456				
	3.	(a) JOHN DOE (Name)	(b) Corporal / SHERIFFS (Title/Job Description)	DEPUTY		
		(c) 2501 JAMES MADISON BIVD. (Address)				
		VERGINIA BEACH, VA 23456				
		dditional defendants, please list them on a separate shaformation for each defendant named.	neet of paper. Provide all			
the co	omplair	UST provide a physical address for defendant(s) in nt. If plaintiff does not provide a physical address nissed as a party to this action.	order for the Court to serve for a defendant, that person			
II.	PRE	VIOUS LAWSUITS				
A.	Have impri	you ever begun other lawsuits in any state or federal sonment? Yes [ ] No [X]	court relating to your			
В.	or clo	or answer to "A" is Yes: You must describe any laws osed, in the space below. If there is more than one law it on another sheet of paper, using the same outline,	vsuit, you must describe each			
	1.	Parties to previous lawsuit: NONE				
	Plaint	tiff(s) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \				
	Defen	Defendant(s)				
	2.	Court (if federal court, name the district; if state co	urt, name the county):			
	3.	11/1	:			
	4.	Docket number:				

Case 1:13-cv-00540-RDA-IDD Document 1 Filed 05/61/13 Page 3 of 14 PageID# 3 ADDITIONAL DEFENDANTS (b) DEPUTY SHERIFF
TITLE/JOB DESCRIPTION (C) 2501 JAMES MADISON BIVD,
(ADDRESS)
VERGINIA BEACH, VIRGINIA 23456 (b) DEPUTY SHERIFF
TETLE/ JOB DESCRIPTION 5.(A) JANE DOE 2501 JAMES MADISON BND. VIRGINIA BEACK, WA 23456

	5.	Name of Judge to whom case was assigned: Name of Judge to whom case was assigned:	
		NA	
	6.	Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?):	
		N/A	
ш.	GRIE	VANCE PROCEDURE	
A.	At wha	at institution did the events concerning your current complaint take place:	
VIRG	SINIA	BEACH CORR.CHR. 2501 JAMES MADISON BIVD. VA. BEACH, VA. 23456	
B.	Does t	he institution listed in "A" have a grievance procedure? Yes [ ] No [ ] UNKNOWN	
C.	* SEE ATTACHED SHEET		
	1. 2.	Did you file a grievance based on this complaint? Yes [X] No [ ] UNKNOWN  * SEE ATTACHED SHEET  If so, where and when: CHESADEAKE FARR CAR CAR NOWEN BER 8717	
		If so, where and when: CHESAPEAKE CORP CTR. NEWEMBER 81 2012  400 AFREMARIE DR. CHES. VA. 23322	
	3.	What was the result? UNKNOWN, ENTERNAL AFFAIRS, STIERLY'S DEPT.	
	V1A. B	EARLY 2501 JAMES MADISON BIVD. VA. BEACH, VIR. 23456	
	4.	Did you appeal? Yes [ ] No [ ]	
	5.	Result of appeal: NA SEE ATTACHED SHEET	
D.	If there prison	e was no prison grievance procedure in the institution, did you complain to the authorities? Yes [ X ] No [ ]	
	If your	answer is Yes, what steps did you take? FILED TNGTOENT REPORT	
chi	EZANET	ORR. CAR. 400 AlbeMARTE OR, CHEZ. VA./NOVEMBER 87	
E.	If your author	answer is No, explain why you did not submit your complaint to the prison	
		* SEE ATTACHED SHEET	
		FOR EXPLANATION	

## # ANSWERS FOR PROCEDURE \*

B. DOES the INSTITUTION LISTED IN A, HAVE A GRIEVANCE PROCEDURE?

ANSWERS AS FOHOWS: FOR B, C, D, E.

This is unknown to ME. I had BEEN transported to that Facility, From Chesapeake Correctional Center, that morning, November 7th, 2012. For a Violation of Probation HEARING, IN CIRCUIT COURT.

THE INCIDENT, HAPPENED ON NOVENBER 7TH 2012,

the SAME DAY.

When taken to MEDECAL that Night, for the Ament.

I told the SERCEART (NAME UNKNOWN), AND the

NURSE ON DUTY (NAME UNKNOWN),

I NEEDED TREATMENT, REQUESTED TO BE TAKEN

to Hospital, REQUEST WAS DENSED! EXPLAINED I

AM IN EXTREME PAIN, LATER 105+ CONSCIOUSNESS,

I was returned to Chesapeake Correctional

CENTER, The MORNING (EARly), of NOVEMBER 8TH

2012. I ARRIVED here before sunrise the

MORNING OF the 8TH, NOTE: IN MEDICAL, TOIJ I HAD POSSIBLE CONCUSSION.

David Garham Goodman pro-3E.

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

KENNETH W. STOLLE, SHERIFF/HIGH CONSTABLE THE Following will show that the pratices of the Virginia SHERIFFS DEPt., KENNEHH W. STOLLE/SHERIFF/HIGH CONSTABLE EIGHTH (8TH) AMENDMENT RIGHT. KENNETH W. STOLLE, SHERIFF, HIGH CONSTABLE Shall be hEREAFTER REFERRED NO.1 "HIS FAILURE tO TRAIN "REASING Dolices FOROWING is IN SUPPORT OF those FACTS. ON NOVEMBER 7TH 2012, APPROX 6:00 AM. I WAS TRANSPORTED FROM CHESAPEAKE CORRECTIONAL CENTER, 400 AlbEMARIE DR. ChEG. VA. 23322. TO VIRGINIA BEACH CORRECTIONAL CENTER 2501 JAMES MARISON Block. VA BEACH VA 23456. FOR A PROBATION HEARING I had been ASSURBED by MENTAL HEATH STAFF, AND Public DEFENDER, I would be RETURNED SAME Clay AS I SUFFER TRAUMATIC STRESS DISORDER FROM P.T.J.D. (POST with his CORDERAL UPON OUR HION DEPUTY Checked ARRIVAL AGAIN I was told No problem for my ActuAN. \* SEE ATTACHED SHEET

### TV STATEMENT OF THE CLAIM (CONTINUED) PAGE 1

I WENT to Court, RETURNED to Holding AREA, VA. Besself CORRECTIONAL CENTER. At Approximately 1:30 pm. OR 1330 HRS. I Asked Deputy Davison, when will I be transported back? Deputy Davison stated transport on their way!

I then spoke to A JERGEANT, A LIEUTENANT, AND A CAPTAIN, (All NAMES UNKNOWN) IN HOLDING AREA, They checked JAID I would be Returned first thing in the MORNING.

I was then placed in the intake AREA on BENCH AGAIN. I was later told get into wheelchair, going to 2C (MEDICAI), ON Floor I I SAID NO! I CAN'T GET IN Floor, Spinal Problems. I was then claug into holding CEII (INTAKE AREA) Until Shift Change, Still NO MEDICATIONS, NO FOOD, ALL DAY!

Note: # I did Not RESIST, I SIMPLY RELAXED, LAID FLAT,
AND WAS dragged ACROSS CONCRETE Floor, into Molding
CEll, Violating my 8th Amendment RIGHT, TO BE
FREE OF ASSAULT, And OR BATTERY BY JAIL/ PRISON
OFFICALS.

Allow this pertion and the others that will follow, in this statement of facts, to show that it is Common Prafice, for the Virginia Beach sheriff's Department, To use "Excessive Force", in unrecessary instances, Therefore being constanted as Malicious and Indistrict, which is a clirect Violation of Eight Amendment Richts, as the Deputy Committed A" Baffery" as defined in Blacks Law Dictionary 173 (9th ED. 2009)

Therefore & betreve the Defendant, No 1, The Sheriff Itier Constable for the City of Virginia Beach is liable as follows,

If FAHURE to OVERSEE the people who crowsed the wrong, such as by hiring ungualified people or failing to Adequately TRAIN STAFF. (DEputies).

IV STATEMENT OF THE CLAIM (CONTINUED) PAGE 5 Slammed into the concrete floor, Again at that time, hours my neck stood on, then A knee placed on my week, I lost Conscious vess. HE, DEFENDANT NO.4 was in Direct Violation of my 8th Amendment Rights, when he took part in the Pasault and Battery on my person Again meting "UNDER Color of LAW!" DEFENDANT NO.5 (STATEMENT OF FACT) DEPUTY JANE DOE, HEREAFTER REFERRED TO AS DEFENDANT NO. 5 HIGHIN ON NOVEMBER 7 TH 2012. After being placed who A wheelehnik to go to Medical Housing (Number YNKNOWN)
While preompanying Defendant NO. 3 AND DEFENDANT NO. 4, WAS DEFENDANT NO.5 When I became seperated from my Wheel Chair?, in the hallway much was
dragged, to A BARREN CEIL/ Concrete Floor
Jink/Tollet Combination only (Meil KAl ISOINTION). DEFENDANT NO. 5 did willfully OARTICIPATE IN the "ASSAUT AND BATTERY DEFENT DOD. Committed on my person, the evening of November 7th 2012. By force fully standing, KNEEling on my Neck cluring the Britishy by HER CO Defendants, Defendants No.3 And Defendant NO. 4 When I was taken into the BARRED Cell, later identified as Medical Isolation. (SEE PICTURES TAKEN by Ches. CORR. CHR. upon Return to this Facility

The Also due her finger, or thumb | UNKNOWN?, into the PRESSURE POINT, IV STATEMENT OF THE CLAIM (CONTINUED) PAGE 6

behind my Right EAR, CAUSING EXTREME PAIN: Again As A Result of this EXCESSIVE.
FORCE "/ ASSAULT AND BAHANG I Shortly
there Affect lost OR WAS UNCONSIOUS.
Again A Violation UNDER & TH AMENDMENT

IN GENERAL-

HECORDING to A WITNESS, I was left UNCONSCIOUS IN the Floor, IN A puddle of Blood, From my Hend, for Approximately 30 (Thirty) minutes, until such time As A Deputy made his Round. At this time A CODE WAS CAPTED, AND I WAS TAKEN to MEDICAL tor treatment.

A SERGEANT AND NURSE both (NAMES, UNKNOWN) WERE PROSENT. It was explained to me I had a possible Concussion, A Cut AbovE my Left Eye. I stated I WAS NAUSCOUS, had severe Neck AND BACK PATON, AND REQUESTED to be tAken to the Hospital My Request was DENTED.
Told I would be seen by Doctor on
November BILL, MORNING OF, Explained
I was being Returned to Chesapeake
Correctional Center, A.M. was returned to Medical Isolphion, and placed ON DoublE MAYS, ON the Floor, Went through Starkedown, EARly A.M. November 8TH 2012

Upon my Return Here (Ches. Corr. Ctr.) I Reguested A SERGEANT, WAS given AN INCIDENT REPORT.

SEEN BOY NURSE JACOBS AND Photographed by A Deputy.

Cas	se 1:13-cv-00540-RDA-IDD Document 1 Filed 05/01/13 Page 11 of 14 PageID# 11
10,11	IN GENERAL (CONTINUED)
	SiNCE, I have been taken to outside MEDICAL ON MUHIPLE OCCASIONS AND AM AWAITING FURTHER TREATMENT FOR NECK, BACK, AND RIGHT Should ER PAIN, AS WELL AS PANN IN MY LEFT HAND,
	MEDICAL ON MUHIPLE OCCASIONS AND AM
	AWARTING FURTHER FREATMENT FOR
	NECK, BACK, AND RIGHT I hould be
	PHIN, AS WELL TO DAW IN MY LETT HAND,
	T declare, UNIDER DENALTH OF
	PERTURY that All foregoing is true
	I declare UNDER DENALTY OF PERTURY that All Foregoing is true And Correct.
	0-000
	DAVED GRAHAM GOODMAN DRO-SE
	WALTED GRADAM GOODMAN DRO-SE

## IV STATEMENT OF THE CLAIM (CONTINUED) PAGE 3

DEFENDANT NO. 3 (STATEMENT OF FACT) CORPORAL JOHN DOE, HEREAFTER REFERRED TO AS DEFENDANT NO. 3

Again As stated was placed in a wheelching to go to Medical Housing. ON the way, I wound up on the Floor, wisure what happened? I was then gradbed from floor, multiple Deputies, 3 to 4, FOUR I believe?, with Severe FORCE " I was then slammed into Floor by DEFENDANT NO. 3 CURSED, then handcuffed by Defendant NO 4. OR DEFENDANT NO. 4 (DEPUTY JOHN DOE) I was then claraged down the Hallway by DEFENDANT NO. 3 AND DEFENDANT NO. 4, DEPUty JOHN DOE APPROXIMATELY 100 +

I was taken to A BARRED CEll, with only A Concrete Floor, And A Sink/ Toilet Combination, slammed into the floor, splitting my Hend OPEN, Above my LEFT EXE (SEE pictures)-when REPERSED, Ches. Sheriff Dept. Auch Moderal Records. Slammed by DEFENDANT NO. 3, And Defendant NO 4 / Deputy JOHN DOE, AGAIN + hast WAS SOME time offer 6:00 pm/1800 ARS. TIME UNKNOWN. AGAIN this is A VIOLATION of MY EIGHTH (BTH) AMENDMENT RIGHTS, IN FACT COMMITTING

ASSAULT And BAHERY "UNDER COLOR OF LAW! I EXPLAINED I hAVE hAD EXTENSIVE NECK SURGERY, CERVICAL FUSION (V. A HOSPITAL MCGURE, V.A.M.C., RICHMOND, VA. 2003) with CASMER DISC AND HARCHWARE INSTALLED

As well As multiple Back PROBlems This did Not slow, OR discontinue the

ABBUT AND BATTERY, EVEN AS I Clied NE RESISTOR DECOME COMBATIVE, AT ANY

## JU STATEMENT OF THE CLAIM (CONTINUED) PAGE 4

I was then slammed into the Floor Again, at such time, After having my Neek Stood on by Defendant No.5, Deputy JANE DOE I lost Consciousness, showing Deliberate INDIFFERENCE!

# DEFENDANT NO. 4 (SHAHEMENT OF FACT) DEPUTY JOHN DOE, HEREAFTER REFERED TO AS DEFENDANT NO. 4

As described previously, date is November 7 IH 2012.

Defendant not accompanied Defendant No. 3

And Deputy TANE DOE, DEFENDANT NO. 5, AS

I was placed in a wheeluhair, destination

MEDICAL (Number, surfnown), After the

wheelchair incident as previously described.

I was cragged down the hall by Defendant

No. 4, Again with the help of Defendant

No. 3 Again won my parinal, HE Defendant

NO. 4, Helped to 3/Am me into the floor,

(bare concrete), in a Barrect Cell with only

A Jink/Toilet Combination, later defined

As MEdical Isolation, by other staff

Deputies. (SEE Putures Taken by Cheorpeake

Corr. Chr. Deputies) upon return to the facility).

Defendant not the Stood on my back while Defendant

NO. 3, un-hand cuffed me while laws on my

NO. 3, UN-hand culted me while I ying on my stomach. During this time Detendant no.5, Deputy TANE DOE 3 tood on my week And then placed her knee on my Neck, And hand, grinding my FACE IN the Floor.

Again I explained I have had CERVICAL

FUSION I EXPLAINED I have had CERVICAD FUSION "AND HARRIWARE INSTABLED IN MY NECK, AND WAS NOT RESISTING OR ASSAULTIVE OR COMBATIVE, I WAS AT THAT TIME AGAIN

	V. RELIEF
	I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. Lunderstand I should file a petition for a writ of habeas corpus if I desire this type of relief
	The plaintiff wants the Court to: (check those remedies you seek)
	Award money damages in the amount of \$ _750,000.
	V Grant injunctive relief by FEAR OF INJURY - IF HOUSED At VA. BEACH CORR. CTR.
	Other PUNITIVE DAMAGES IN THE AMOUNT OF \$ 100,000.00 FOR Physical AND PHYSIOLOGICAL DAMAGES.
	VI. PLACES OF INCARCERATION
	Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.
VA.B	EACH CORRECTIONAL CENTER 2501 JAMES MADISON BING. VA. BEACH, VA. 23456, NOVEMBER 7 1/2012
	K City JAIL BII E. City HALL AVE NORFOLK, VA. 23510, JANUARY 3RD 2013
Ches Cor	R. CAR. 400 AIBEMARIE DR. CHESAPEAKE, VA. 23322, MAY 17 2011 TO
	VII. CONSENT
	CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.
	<b>Do you consent to proceed before a U.S. Magistrate Judge:</b> Yes [X] No [ ]. You may consent at any time; however, an early consent is encouraged.
	VIII. SIGNATURE
	If there is more than one plaintiff, each plaintiff must sign for himself or herself.
	Signed this 19 TH day of ADRI 2 , 20 13.
	Plaintiff * ( aux 3. Coolman AKO-SP
	City/County of
	6 My Compision Ospica Thelis

my commism expire 7/31/14